



ROBERT B. BERLIN
STATE'S ATTORNEY
DUPAGE COUNTY, ILLINOIS
September 15, 2015

Mr. Steven Reilly
Sreilly@usatoday.com

Re: *Freedom of Information Act*

Mr. Reilly,

This letter is in response to your Freedom of Information Act (5 ILCS 140/et seq.) request sent via email on September 8, 2015. In your request you sought:

"The "*Brady* list," "*Giglio* list," "potential impeachment disclosure list," or any other record(s) maintained by the DuPage County State's Attorney's Office setting forth information on all peace officers in your office's jurisdiction whose involvement in a criminal proceeding must be disclosed as potentially exculpatory evidence in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 450 U.S. 150 (1972). Where possible, please include all information on these officers as reflected in your list, including: the officer's full name, agency of employment, date of inclusion on the list, and description of the reason for inclusion on the list."

Per your telephone conversation with Assistant State's Attorney Conor McCarthy on September 9, 2015, we appreciate your limiting your request to Officers charged with a criminal offense. Information relating to Officer's who are placed on the list for minor disciplinary infractions have been redacted accordingly. Attached please find a copy of the records responsive to your request.

Very Truly Yours,

Gregory Vaci
Chief of Civil Bureau
FOIA Officer

Brady List
Updated August 15, 2014

Department
Aurora

Officer
Enrique Gutierrez

Misconduct
Pending Criminal Case
Will County (13 DT 1749)

Joseph Accardi

Pending Criminal Case
Kane County (14 CM 579)

Bensenville

David Irving

Theft
DuPage County (14 CF 2123)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Warrenville

Tom Bellinger

Pending Criminal Case in Will.
Leaving the Scene & ILU.

Warrenville

Harold Borowiak

Pending Criminal Case (14 DV 915)

[REDACTED]

Ruggiero, Joseph

From: Ruggiero, Joseph
Sent: Tuesday, July 15, 2014 2:06 PM
To: }State's Attorney Criminal Attorneys
Subject: Brady Material Related to Warrenville Police Officer

If you have Officer Harold Borowiak (#115) of the Warrenville Police Department you have a Brady obligation to disclose the following information. Here is a sample you may feel free to use....

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,)
) NO.
v.)
)
,)
Defendant.)

TO:

DISCLOSURE TO DEFENSE COUNSEL

Now come the People of the State of Illinois by ROBERT B. BERLIN, State's Attorney in and for the County of DuPage, Illinois, by his assistant, and pursuant to Supreme Court Rule 412 disclose that the material listed herein to defense counsel. Pursuant to Supreme Court Rule 415(c) materials furnished to defense counsel shall remain in his/her exclusive custody and be used only for the purpose of conducting his/her side of the case, and shall be subject to such other terms and conditions as the court may provide.

1. The People have disclosed that Warrenville Police Officer Harold Borowiak (#115) may be a witness in this case and further disclose Warrenville Police Officer Harold Borowiak (#115) has a pending criminal case for Domestic Battery in DuPage County (14 DV 915).
2. The People recognize their continuing duty to disclose to defendant any discoverable material that might come to their attention between the time of filing of this Disclosure and the trial of this cause.

RESPECTFULLY SUBMITTED,

ROBERT B. BERLIN
State's Attorney

Attorney Number 50000

BY: _____

Assistant State's Attorney

Joseph A. Ruggiero
Chief, Criminal Bureau
DuPage County State's Attorney's Office
503 N. County Farm Road
Wheaton, Illinois 60187
(630)407-8172 (Office)
(630)407-8171 (Fax)
jruggiero@dupageco.org

Ruggiero, Joseph

From: Ruggiero, Joseph
Sent: Thursday, March 06, 2014 3:43 PM
To: }State's Attorney Criminal Attorneys
Subject: Brady Material Related to Two Aurora Police Officers

Aurora Police Officer Enrique Gutierrez (#144) has a pending criminal case for Driving Under the Influence of Alcohol in Will County (13 DT 1749).

Aurora Police Officer Joseph Accardi (#318) has a pending Theft case in Kane County (14 CM 579).

If you have Officer Enrique Gutierrez (#144) or Officer Joseph Accardi (#318) you have a Brady obligation to disclose that information. Here is a sample you may feel free to use....

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
 Plaintiff,)
) NO.
 v.)
)
 Defendant.)

TO:

DISCLOSURE TO DEFENSE COUNSEL

Now come the People of the State of Illinois by ROBERT B. BERLIN, State's Attorney in and for the County of DuPage, Illinois, by his assistant, and pursuant to Supreme Court Rule 412 disclose that the material listed herein to defense counsel. Pursuant to Supreme Court Rule 41S(c) materials furnished to defense counsel shall remain in his/her exclusive custody and be used only for the purpose of conducting his/her side of the case, and shall be subject to such other terms and conditions as the court may provide.

1. The People have disclosed that Aurora Police Officer Enrique Gutierrez (#144) may be a witness in this case and further disclose that Aurora Police Officer Enrique Gutierrez (#144) has a pending criminal case for Driving Under the Influence of Alcohol in Will County (13 DT 1749).
2. The People recognize their continuing duty to disclose to defendant any discoverable material that might come to their attention between the time of filing of this Disclosure and the trial of this cause.

RESPECTFULLY SUBMITTED,

ROBERT B. BERLIN
State's Attorney
Attorney Number S0000

BY: _____

Assistant State's Attorney

Joseph A. Ruggiero
Chief, Criminal Bureau
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jruggiero@dupageco.org

Ruggiero, Joseph

From: Ruggiero, Joseph
Sent: Tuesday, October 28, 2014 2:16 PM
To: dwebb@hpil.org
Subject: Police Duty to Disclose

Chief Webb,

I am sure you know of the department's and your statutory obligation under 725 ILC 5/114-13 requiring you to "provide to the prosecuting authority any material or information, within its possession or control that would tend to negate the guilt of the accused." This of course is a codification and extension of the Brady decision to all Illinois law enforcement. I was told you have or had an Officer Ciupka (spelling?) that was charged with a misdemeanor offense out of Schaumburg. This pending case and the information contained therein could be the type of material addressed in this statute. The safe bet is to just send it to us if such material exists.

Thank you for your compliance with this very important statute. In the future please send **this** type of information to my attention as soon as it becomes known to you. You should not wait for a request as your department has a proactive obligation to send this to us.

As always, call me if you have any questions, concerns or comments.

Thanks again.

Joe...

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jruggiero@dupageco.org

Ruggiero, Joseph

From: Ruggiero, Joseph
Sent: Thursday, November 13, 2014 5:41 PM
To: Ruggiero, Jillian
Subject: Brady Material Related to Hanover Park Police Officer Michael Ciupka

the Officer (I'm told he's since resigned)

He was arrested for Reckless Conduct out of Rolling Meadows, case number 14300390001

If you have Officer Michael Ciupka of the Hanover Park Police Department as a witness you have a Brady obligation to disclose the following information. Here is a sample you may feel free to use....

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,)
) NO.
v.)
)
,)
Defendant.)

TO:

DISCLOSURE TO DEFENSE COUNSEL

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1. The People have disclosed that Hanover Park Officer Michael Ciupka may be a witness in this case and further disclose Hanover Park Officer Michael Ciupka has a pending criminal case for Reckless Conduct pending in Cook County (case number 14300390001).
2. The People recognize their continuing duty to disclose to defendant any discoverable material that might come to their attention between the time of filing of this Disclosure and the trial of this cause.

RESPECTFULLY SUBMITTED,

ROBERT B. BERLIN
State's Attorney
Attorney Number 50000

BY: _____

Assistant State's Attorney

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Chief, Criminal Bureau
DuPage County State's Attorney's Office
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jruggiero@dupageco.org

Ruggiero, Joseph

From: Ruggiero, Joseph
Sent: Wednesday, December 03, 2014 9:19 AM
To: }State's Attorney Criminal Attorneys
Subject: Brady Material Related to Bensenville Police Officer David E. Irving

Bensenville Police Officer David E. Irving has a pending criminal case for Official Misconduct and Theft in DuPage County (14 CF 2123).

If you have this officer as a witness on one of your cases you have a Brady obligation to disclose that information. Here is a sample you may feel free to use. A quick A computer search lists this officer as a listed witness on the cases below. This is not an exhaustive list so be sure to check your felony/ juvenile cases for this officer.

12 CM 3538 - Set for trial on 01/12/15 in 4005

09DT2172 - 4017 Pre-dispo warrant

96 CF 2468 – 4010 Pre-dispo warrant

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STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,)
) NO.
v.)
)
,)
Defendant.)

TO:

DISCLOSURE TO DEFENSE COUNSEL

Now come the People of the State of Illinois by ROBERT B. BERLIN, State's Attorney in and for the County of DuPage, Illinois, by his assistant, and pursuant to Supreme Court Rule 412 disclose that the material listed herein to defense counsel. **Pursuant to Supreme Court Rule 415(c) materials furnished to defense counsel shall remain in his/her exclusive custody and be used only for the purpose of conducting his/her side of the case, and shall be subject to such other terms and conditions as the court may provide.**

1. The People have disclosed that Bensenville Police Officer David E. Irving may be a witness in this case and further disclose that Bensenville Police Officer David E. Irving has a pending criminal case for Official Misconduct and Theft in DuPage County, case number 14 CF 2123.
2. The People recognize their continuing duty to disclose to defendant any discoverable material that might come to their attention between the time of filing of this Disclosure and the trial of this cause.

RESPECTFULLY SUBMITTED,

ROBERT B. BERLIN
State's Attorney
Attorney Number 50000

BY: _____

Assistant State's Attorney

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